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6 **UNITED STATES DISTRICT COURT**  
7 **WESTERN DISTRICT OF WASHINGTON**  
8 **AT SEATTLE**

9 UNITED STATES OF AMERICA,

NO. CR11-158-MJP

10 Plaintiff,

11 v.

SUMMARY REPORT OF  
U.S. MAGISTRATE JUDGE AS  
TO ALLEGED VIOLATIONS  
OF SUPERVISED RELEASE

12 JOHN W. GRAHAM,

13 Defendant.  
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15 An initial hearing on a petition for violation of supervised release was held before the  
16 undersigned Magistrate Judge on March 4, 2013. The United States was represented by  
17 Assistant United States Attorney James Oesterle, and the defendant by Jennifer Wellman for  
18 Lynn Hartfield.

19 The defendant had been charged and convicted of Knowingly Making False,  
20 Fraudulent, and Fictitious Statements. in violation of 18 U.S.C. § 1001. On or about May 17,  
21 2012, defendant was sentenced by the Honorable Marsha J. Pechman, to a term of time served,  
22 to be followed by 3 years of supervised release.

23 The conditions of supervised release included the requirements that the defendant  
24 comply with all local, state, and federal laws, and with the standard conditions. Special  
25 conditions imposed included, but were not limited to, participation in substance abuse and  
26 mental health programs, financial disclosure and search.

1 In a Petition for Warrant or Summons, dated February 21, 2013, U.S. Probation Officer  
2 Sarah R. Johnson asserted the following violations by defendant of the conditions of his  
3 supervised release:

4 (1) Violating the condition that he not commit any federal, state, or local crimes by  
5 committing the crime of Fondling an adult on or about February 17, 2013.

6 (2) Violating the condition that he not commit any federal, state, or local crimes by  
7 committing the crime of Assault on or about February 17, 2013.

8 The defendant was advised of his rights, acknowledged those rights, and denied  
9 violations 1 and 2.

10 In a Supplemental Violation Report dated March 4, 2013, U.S. Probation Officer Sarah  
11 R. Johnson asserted the following violation by defendant of the conditions of his supervised  
12 release:

13 (3) Violating the condition requiring that he abstain from the use of alcohol during  
14 his term of supervision on or about February 17, 2013.

15 On March 11, 2013, an evidentiary hearing on alleged violations 1 and 2 and an initial  
16 hearing on supplemental violation 3 was held before the undersigned Magistrate Judge. The  
17 United States was represented by James Osterle and defendant by Lynn Hartfield. Defendant  
18 admitted violation 3 and alleged violations 1 and 2 were dismissed without prejudice by the  
19 government.

20 I therefore recommend that the Court find the defendant to have violated the terms and  
21 conditions of his supervised release as to violation 3, and that the Court conduct a hearing  
22 limited to disposition. A disposition hearing on violation 3 has been set before the Honorable  
23 John C. Coughenour on March 25, 2013 at 4:00 p.m.


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1 Pending a final determination by the Court, the defendant has been detained.

2 DATED this 12th day of March, 2013.

3   
4 JAMES P. DONOHUE  
5 United States Magistrate Judge  
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8 cc: District Judge: Honorable Marsha J. Pechman  
9 AUSA: Jim Oesterle  
10 Defendant's attorney: Lynn Hartfield  
11 Probation officer: Sarah R. Johnson  
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